

BOARD OF ETHICS
OPEN SESSION MINUTES

March 20, 2013 - 3:07 p.m.
740 North Sedgwick, Suite 500

BOARD MEMBERS PRESENT

Stephen W. Beard, Chair
Russell F. Carlson
Mary T. Carr
Hon. Michael J. Gallagher
Frances R. Grossman
Daisy S. Lezama
Hon. Julia M. Nowicki

STAFF PRESENT

Steven I. Berlin, Executive Director
Lisa S. Eilers, Deputy Director
Richard J. Superfine, Legal Counsel
Ana Collazo, Attorney/Investigator
Edward Primer, Program Director
Pally Casillas, Staff Assistant

I. APPROVAL OF MINUTES

The Board VOTED 6-0 (Daisy S. Lezama, absent) to approve the Open Session Minutes of the February 20, 2013 meeting.

II. CHAIR'S REPORT

Deferred.

III. EXECUTIVE DIRECTOR'S REPORT

A. EDUCATION-CLASSES

Since the last Board meeting, we have held two classes in our offices for those required by law to attend, and two classes for new employees, hosted by Laborers International 1001 (bringing to seven the total of these classes held in 2013 to date). A total of 132 City employees attended. Staff also made a guest presentation to a political science class at St. Xavier University (at the invitation of former Alderman Rugai, the instructor).

There are currently 38 employees and one incoming alderman scheduled to attend classes on March 28 and April 11. We have two upcoming classes for Special Service Areas, on March 27 and April 10. In addition, Board member Fran Grossman and I will be doing a presentation to a class at the U.I.C. on April 24.

B. JOB SHADOW PROGRAM

On March 6, we were privileged to participate in the CPS's Job Shadow program. We hosted two lovely young women, both high school juniors (one at Mather, the other at Wells) for the day.

C. LOBBYISTS

As of today's date, we have 628 registered lobbyists, and have collected \$289,825 in registration fees. The next quarterly reporting period ends on March 31, and lobbyists' report are due by April 20. The ELF system will send a reminder notification via email to all registered lobbyists on April 1. Staff will mail the notice to any lobbyists whose emails bounce back.

D. STATEMENTS OF FINANCIAL INTERESTS

On March 1, as required by law, notifications were sent to all City employees and officials required to file a 2013 Statement of Financial Interests with the Board. 3,427 notifications were sent, all but 183 via email. As of today, 979 have filed their form 529 of them via EFIS. 779 of these have been posted on the EFIS site. On March 26, the EFIS system will generate an email with log in instructions for all those who have not filed and, by law, on April 1, a reminder notification will be sent to all persons who have not yet filed.

On March 26, the EFIS system will generate an email with log in instructions for all those who have not filed.

Under the new law, forms must be filed by May 31, 2013, and those who fail to file are subject to a \$250 per day fine and to their names being made public.

E. SISTER AGENCIES' ROUNDTABLE

The next meeting of the ethics officers from the CTA, CPS, CCC and CHA will be April 4.

F. BOARD'S RULES & REGULATIONS

Staff is now making a push to revise the agency's Rules & Regulations (last amended in February 2010), and will have these ready by July 1, 2013, the effective date of the most recent Ordinance amendments, and ready for Board review at the May 2013 meeting.

G. ILLINOIS FREEDOM OF INFORMATION ACT

For the fourth time in the past five years, since the last regularly scheduled Board meeting, the office has received no new request under the Freedom of Information Act. Staff believes that this is due to the increased amount of data, including filed lobbyists' forms, that is posted on the Board's website and in the City's Socrata portal.

IV. DEPUTY DIRECTOR'S REPORT

Deputy Director Lisa Eilers presented a draft of an ethics newsletter for review and comment. She asked Board members to contact her with any suggestions as to content and format.

Note: Board member Daisy S. Lezama joined the meeting at 3:21 p.m.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

Staff reviewed a draft of the gifts chapter of the 2013 on-line ethics training for all employees and elected and appointed officials.

The Board VOTED 7-0 to adjourn into Executive Session at 3:40 p.m. under 5 ILCS 120/2(c)(1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

THE RECONVENED OPEN SESSION

After the Executive Session, the Open Session of the meeting reconvened at 5:22 p.m.

VII. MATTERS CONSIDERED BY THE BOARD IN EXECUTIVE SESSION

I. APPROVAL OF EXECUTIVE SESSION MINUTES

The Board VOTED 7-0 to approve the minutes of the February 20, 2013 meeting in executive session.

II. CASES

A. INVESTIGATION

1. Case No. 12060.I, City Property, Fiduciary Duty, Failure to Cooperate in an Investigation

The Board deliberated over a draft Investigative Final Report addressing a case involving a City employee's misuse of City property, breach of fiduciary duty, and failure to cooperate in an investigation. The employee obtained non-public information for personal use and failed to be truthful in his responses during and after his interview. The Board reviewed each allegation independently and VOTED 6-1 (Julia M. Nowicki, dissenting) to substantiate the allegation that the employee breached his fiduciary duty and VOTED 7-0 that he misused his City position/resources and failed to cooperate, and by a majority, determined that the employee violated the Ordinance, and recommended discharge of the employee for his Ethics Ordinance violations.

B. QUERY/CONSULT SUMMARY

2. Case No. 13007.Q, Outside Employment

The Board discussed staff's report from a City employee requesting advice and guidance on how the Ethics Ordinance affects her outside employment activity. The employee's outside job duties were such that a conflict could have arisen between those duties and her City position given her boss's City responsibilities. Staff advised her on the other potential restrictions the Ordinance imposes on outside employment activities. The Board VOTED 7-0 to approve staff's report.

3. Case No. 13008.Q, Post-Employment

The Board discussed staff's report that a former City employee inquired whether the Ethics Ordinance's post-employment provisions restricted him from working on a City contract for his current employer, the subject matter of which was part of his regular City duties. The Board VOTED 7-0 to approve staff's report and advice that both the one-year and permanent restrictions in §2-156-100(b) applied to his post-employment activities.

C. DISMISSED/REFERRED COMPLAINT REPORT

4. Case No. 13005.C, No Jurisdiction

The Board discussed staff's report of a complaint from a private citizen alleging that a Chicago paramedic took some of the complainant's belongings from his vehicle during an emergency response. The Board agreed with staff's conclusion that it was a criminal matter beyond this office's jurisdiction and did not involve potential violations of the Governmental Ethics Ordinance. The Board VOTED 7-0 to approve staff's recommendations to refer the complaint to the Fire Department.

5. Case No. 13006.C, Relatives

The Board VOTED 7-0 to accept staff's report that it had referred a complaint to the Inspector General for investigation. The complaint alleges that: (i) two Special

Service Area (SSA) commissioners violated the Ordinance's prohibitions against advocating for the hiring of relatives by persons over which they have contract management authority; and (ii) the SSA's Chair owns a building and rents to the SSA's service provider space in that building, and the rent is paid with City funds, in violation of the prohibition against having a financial interest in City contracts. The Board directed staff to follow up with the IG regularly on the investigation's progress.

D. STATEMENTS OF FINANCIAL INTERESTS

Employees – 2012 Cases to be Closed

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| 6. Case No. 12044.6.FIS | 42. Case No. 12044.161.FIS |
| 7. Case No. 12044.7.FIS | 43. Case No. 12044.167.FIS |
| 8. Case No. 12044.12.FIS | 44. Case No. 12044.175.FIS |
| 9. Case No. 12044.27.FIS | 45. Case No. 12044.180.FIS |
| 10. Case No. 12044.32.FIS | 46. Case No. 12044.181.FIS |
| 11. Case No. 12044.35.FIS | 47. Case No. 12044.188.FIS |
| 12. Case No. 12044.51.FIS | 48. Case No. 12044.190.FIS |
| 13. Case No. 12044.52.FIS | 49. Case No. 12044.191.FIS |
| 14. Case No. 12044.53.FIS | 50. Case No. 12044.195.FIS |
| 15. Case No. 12044.64.FIS | 51. Case No. 12044.197.FIS |
| 16. Case No. 12044.67.FIS | 52. Case No. 12044.205.FIS |
| 17. Case No. 12044.71.FIS | 53. Case No. 12044.211.FIS |
| 18. Case No. 12044.72.FIS | 54. Case No. 12044.214.FIS |
| 19. Case No. 12044.75.FIS | 55. Case No. 12044.216.FIS |
| 20. Case No. 12044.76.FIS | 56. Case No. 12044.225.FIS |
| 21. Case No. 12044.82.FIS | 57. Case No. 12044.227.FIS |
| 22. Case No. 12044.83.FIS | 58. Case No. 12044.235.FIS |
| 23. Case No. 12044.86.FIS | 59. Case No. 12044.239.FIS |
| 24. Case No. 12044.90.FIS | 60. Case No. 12044.242.FIS |
| 25. Case No. 12044.95.FIS | 61. Case No. 12044.243.FIS |
| 26. Case No. 12044.100.FIS | 62. Case No. 12044.248.FIS |
| 27. Case No. 12044.105.FIS | 63. Case No. 12044.249.FIS |
| 28. Case No. 12044.109.FIS | 64. Case No. 12044.257.FIS |
| 29. Case No. 12044.113.FIS | 65. Case No. 12044.258.FIS |
| 30. Case No. 12044.116.FIS | 66. Case No. 12044.259.FIS |
| 31. Case No. 12044.117.FIS | 67. Case No. 12044.271.FIS |
| 32. Case No. 12044.122.FIS | 68. Case No. 12044.272.FIS |
| 33. Case No. 12044.123.FIS | 69. Case No. 12044.280.FIS |
| 34. Case No. 12044.124.FIS | 70. Case No. 12044.288.FIS |
| 35. Case No. 12044.125.FIS | 71. Case No. 12044.291.FIS |
| 36. Case No. 12044.128.FIS | 72. Case No. 12044.292.FIS |
| 37. Case No. 12044.132.FIS | 73. Case No. 12044.294.FIS |
| 38. Case No. 12044.139.FIS | 74. Case No. 12044.299.FIS |
| 39. Case No. 12044.147.FIS | 75. Case No. 12044.303.FIS |
| 40. Case No. 12044.148.FIS | 76. Case No. 12044.305.FIS |
| 41. Case No. 12044.154.FIS | 77. Case No. 12044.309.FIS |

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| 78. Case No. 12044.312.FIS | 89. Case No. 12044.366.FIS |
| 79. Case No. 12044.317.FIS | 90. Case No. 12044.369.FIS |
| 80. Case No. 12044.320.FIS | 91. Case No. 12044.370.FIS |
| 81. Case No. 12044.325.FIS | 92. Case No. 12044.380.FIS |
| 82. Case No. 12044.326.FIS | 93. Case No. 12044.384.FIS |
| 83. Case No. 12044.329.FIS | 94. Case No. 12044.387.FIS |
| 84. Case No. 12044.331.FIS | 95. Case No. 12044.388.FIS |
| 85. Case No. 12044.340.FIS | 96. Case No. 12044.391.FIS |
| 86. Case No. 12044.344.FIS | 97. Case No. 12044.395.FIS |
| 87. Case No. 12044.353.FIS | 98. Case No. 12044.425.FIS |
| 88. Case No. 12044.354.FIS | 99. Case No. 12044.441.FIS |

Staff reported that these employees were in violation of the Ethics Ordinance for failing to timely file the 2012 Statements of Financial Interests (“FIS”) form as determined at the August 15, 2012 Board meeting. Staff reported that it confirmed the subsequent filings of the FIS and that staff received a report from the applicable City departments regarding its actions. The Board VOTED 7-0 to close the above listed cases.

E. LOBBYING

- 100. Case No. 13004.28.LOB, Request to Vacate Suspension of Registration and Fine Determination
- 101. Case No. 13004.35.LOB, Request to Vacate Suspension of Registration and Fine Determination

These two cases involved two lobbyists whom the Board determined were in violation of the City’s lobbyist laws at its prior Board meeting for not making any lobbyist filings. However, after that meeting, the filings were discovered to have been made, albeit late. Accordingly, the Board VOTED 7-0 to vacate the violation determinations and, instead, to consider these lobbyists as filers, though late, and to treat them as it did other late-filing lobbyists at its prior Board meeting in February.

F. OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL

- 102. Case No. 13009.OLIG
- 103. Case No. 13010.OLIG
- 104. Case No. 13011.OLIG
- 105. Case No. 13012.OLIG
- 106. Case No. 13013.OLIG
- 107. Case No. 13014.OLIG
- 108. Case No. 13015.OLIG

The Board VOTED 7-0 to approve the petitions of the Legislative Inspector General to open investigations in seven cases as listed.

III. OTHER BUSINESS

None.

At 5:30 p.m., the Board VOTED 7-0 to adjourn the meeting.